

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 175, 179, and 181

46 CFR Parts 2, 159, and 160

[CGD 93-055]

RIN 2115-AE58

Approval of Inflatable Personal Flotation Devices (PFDs) for Recreational Boaters

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish approval procedures for recreational inflatable personal flotation devices (PFDs), revise the approval procedures for other kinds of recreational PFDs and make editorial changes. These procedures are intended to establish an efficient approval procedure for PFDs. The Coast Guard anticipates that recreational boaters will be more likely to wear inflatable PFDs than currently approved devices, thereby increasing use of PFDs by the boating public and saving lives.

DATES: Comments must be received on or before October 23, 1995.

ADDRESSES: Comments may be mailed to the Executive Secretary, Marine Safety Council (G-LRA/3406) (CGD 93-055), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001, or may be delivered to room 3406 at the same address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267-1477. Comments on collection-of-information requirements must be mailed also to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, ATTN: Desk Officer, U.S. Coast Guard.

The Executive Secretary maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection or copying at room 3406, U.S. Coast Guard Headquarters, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

A copy of the material listed in "Incorporation by Reference" of this preamble is available for inspection at room 1404, U.S. Coast Guard Headquarters.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Markle, U.S. Coast Guard, Survival Systems Branch (G-MVI-3), telephone (202) 267-1444, facsimile (202) 267-1069, or electronic mail

"mvi-3/G-M@cgsmt.p.comdt.uscg.mil". A copy of this proposed rule may be obtained by calling the Coast Guard's toll-free Customer Infoline, 1-800-368-5647. In Washington, DC, call 267-0780.

SUPPLEMENTARY INFORMATION:**Request for Comments**

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD 93-055) and the specific section of this proposal to which each comment applies, and give the reason for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in view of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Marine Safety Council at the address under "ADDRESSES." The request should include the reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the **Federal Register**.

Drafting Information

The principal persons involved in drafting this document are Mr. Robert Markle, Project Manager, U.S. Coast Guard, Survival Systems Branch (G-MVI-3), and Ms. Helen Boutrous, Project Counsel, Office of Chief Counsel.

Regulatory History

On November 9, 1993, the Coast Guard published an Advance Notice of Proposed Rulemaking (ANPRM) entitled "Inflatable Personal Flotation Devices" in the **Federal Register** (58 FR 59428). The Coast Guard received nine letters commenting on the ANPRM. One of the comments requested a public hearing, however, after consideration, the Coast Guard determined that no new issues would have been raised which would have materially assisted the Coast Guard in developing this rule. Therefore, no public hearing was held.

Background and Purpose

The November 9, 1993, ANPRM discussed the Coast Guard's intention to

adopt structural and performance standards for inflatable personal flotation devices (PFD) used on recreational boats, as well as the procedures for approval and carriage requirements. The ANPRM discussed the Coast Guard's intention to participate in the development of an Underwriters Laboratories (UL) standard for inflatable PFDs, which would be the basis for Coast Guard approval of these devices. The UL standard (UL 1180) is complete, with one section reserved. An interim final rule (IFR) which establishes Coast Guard approval standards for inflatable PFDs for recreational boats based on UL 1180, is published elsewhere in today's edition of the **Federal Register**. The reserved section of UL 1180 will contain text for information pamphlets to accompany inflatable PFDs. UL expects to complete this section within a year. The Coast Guard anticipates that it will incorporate those provisions by reference once they are completed. Proposed pamphlet requirements are discussed later in this preamble under "Information pamphlet." UL 1180 was developed in accordance with the American National Standards Institute (ANSI) procedure for voluntary industry standards, providing opportunity for participation by interested parties. Publication of the IFR will permit manufacturers to proceed with the manufacture and approval of these devices. Limited procedures to allow for approval of inflatable devices are included in the IFR.

This notice proposes various other rule changes related to the approval of inflatable PFDs for recreational boats which would establish an approval procedure that would allow for the use of independent laboratories in the approval process. These proposed rules were not published as part of the IFR because they may affect the approval of other PFDs to a limited extent and the public has not yet had a chance to fully participate in their development.

Discussion of Comments

The issues raised by the comments received in response to the ANPRM that pertained to the standards for inflatable PFDs were discussed in the IFR (CGD 94-110) published elsewhere in today's edition of the **Federal Register**. The issues raised by the comments that pertained to the approval procedures for PFDs and other issues addressed in this NPRM are discussed below.

Serviceable Condition

The ANPRM asked if "serviceable" should be defined as an inflatable PFD with a properly armed inflation

mechanism to encourage the development of inflation mechanisms which are easy to use and easy to maintain.

One comment from a boat owners association simply supported adding a definition of "serviceable" to the regulations. Another comment also stated that a definition of "serviceable" would be helpful and further stated that the desirability of professional maintenance by the manufacturer or an authorized facility should be considered, perhaps after an extended period of service such as five years. Another comment stated that the user manual and product markings should clearly direct the user to pay proper attention to the inflatable PFD's state of readiness.

The Coast Guard agrees that an explanation of the term "serviceable" is needed, and proposes to add § 175.23 that would set a standard for "serviceable condition" that would apply to all PFDs, and would include additional specific requirements for inflatable PFDs and hybrid inflatable PFDs. The term is presently used in 33 CFR 175.21(a), but is not defined anywhere in part 175. The requirements involving serviceability for all PFDs and the more specific requirements for inherently buoyant PFDs are based on guidance currently used by Coast Guard commercial vessel inspectors, and by Coast Guard Auxiliary examiners. The standard for "serviceable" for inflatable PFDs is newly developed by the Coast Guard for inclusion in this NPRM.

The ANPRM also questioned whether the Coast Guard should require professional servicing for inflatable PFDs at approved servicing facilities. Three inflatable PFD manufacturers supported professional servicing; however, they do not believe professional servicing should be mandatory, or that the government should set up inspection facilities at taxpayer expense. Instead, the comments suggested that professional servicing should be recommended or offered by the manufacturers or through licensed agents or both. One of these comments stated that the required owner's manual should provide instructions for owner inspection and identify where the owner can obtain help if needed. Another of these comments stated that the Coast Guard should recommend annual user inspection for air leaks, etc., and that the manufacturer should offer servicing every two years at an affordable fee. The comment also stated that after 10 years the chamber should no longer be serviced and replacement should be recommended. Another comment stated

that professional servicing would be unnecessary if quality is held to a high standard, and that requiring professional servicing would greatly increase the cost of owning an inflatable PFD.

The Coast Guard is not proposing to require professional servicing at this time. It agrees that the PFD owner's manual should address both user servicing and advice on how to obtain professional servicing. The Coast Guard strongly encourages manufacturers to offer professional servicing. The Coast Guard also encourages, but does not propose to require, manufacturers to keep records on the condition of the devices received for servicing in order to aid in the successful introduction of inflatable PFDs.

Another comment suggested that an inflatable PFD which is worn inflated should be considered "serviceable" even if the CO₂ system is unarmed. The Coast Guard agrees and has included this condition in proposed § 175.23(d). Wearing the PFD inflated is a prudent action to take if the materials are not available to rearm a PFD and is a reasonable way to ensure the safety of the user of an unarmed inflatable PFD.

A number of other issues related to serviceability were raised in response to the ANPRM. These other issues concerned the design of the PFD and its inflation mechanism, and were considered in the development of UL 1180 and UL 1191. These issues are further addressed in the preamble to the IFR discussed above.

Defect Notification

The ANPRM suggested making inflatable PFDs "associated equipment" and subject to the defect notification provisions of 33 CFR Part 179, in accordance with 46 U.S.C. 4310. It was suggested that this action would provide better accountability and a positive means to identify reliability problems which may arise as a result of approval of a potentially less reliable device. Five comments favored making inflatable PFDs "associated equipment" for the purpose of defect notification.

The Coast Guard's position is that designating inflatable PFDs as associated equipment would provide an important means to help ensure the safety of inflatable PFDs used by the public. Therefore, this NPRM proposes designation of inflatable PFDs as associated equipment in 33 CFR part 179 in accordance with 46 U.S.C. 4310. This would require manufacturers to notify first purchasers of inflatable PFDs of any defects which may be discovered after the PFDs have been produced and sold.

Registration Card

The five comments that supported making inflatable PFDs "associated equipment" for the purpose of defect notification did not favor making retailers responsible for preparing first purchaser lists. Instead, the comments suggested a consumer registration card, and a requirement that the consumer be provided with information that makes it clear that it is in the consumer's interest to complete the card and return it to manufacturer.

The Coast Guard finds that this suggestion has merit. This NPRM proposes to add a new subpart H to 33 CFR part 181, requiring manufacturers to provide a postage prepaid registration card with each inflatable PFD. This appears to be the most reasonable way for manufacturers to obtain the names and addresses of first purchasers. Since most inflatable PFDs will be sold at retail or by mail order, it appears to be unreasonable to place the burden of preparing purchaser lists on the seller. Prepayment of the postage will encourage purchasers to complete and return the cards. The cards should ease the manufacturers' recordkeeping burden, since the cards merely need to be collected and stored for five years. They would need to be used only in the unusual circumstance where first purchasers have to be notified of a defect. The registration cards would be required to be securely attached to the PFD in the same manner as the information pamphlet, and could even be printed as a separable part of the pamphlet. Retention of registration cards would constitute compliance with the requirement to exercise due diligence in establishing and maintaining a list of purchasers, as required under 46 U.S.C. 4310(c)(1)(A).

Another comment stated that purchaser lists should be an interim requirement, based on voluntary return of a registration card, and that the value of continued use of a registration system should be reviewed periodically to determine whether it should be continued. The Coast Guard agrees. All Coast Guard regulations are reviewed on a periodic basis. This regulation, like all regulations affecting recreational boats will be reviewed periodically at public meetings of the National Boating Safety Advisory Council (NBSAC). NBSAC meeting announcements are published in the **Federal Register**, along with an agenda for the meeting.

Another comment stated that inflatable PFDs should be manufactured in batches and given sequential serial numbers to permit traceability and enable owners not on purchaser lists to

determine if their PFDs are involved in a recall. The Coast Guard agrees with the suggestion regarding numbering PFDs in batches with sequential serial numbers and such a requirement is included in the regulations published in the IFR.

Editorial Revisions

A number of editorial changes to part 179 are also proposed. Most of these changes relate to elimination of references to the Federal Boat Safety Act of 1971, and replacing them with references to Title 46 of the United States Code (U.S.C.), which was recodified in 1983 and includes previously enacted provisions of the Federal Boat Safety Act of 1971.

Information Pamphlet

This NPRM proposes to revise 33 CFR part 181, subpart G to require that an appropriate information pamphlet be provided with inflatable PFDs, as they are for other kinds of PFDs. The proposed requirement for the pamphlet in § 181.705 refers to the information pamphlet requirements established by the IFR (CGD 94-110) published elsewhere in today's edition of the **Federal Register**. However, if the pamphlet requirements of UL 1180 are completed before publication of a final rule, that part of the UL standard would be incorporated by reference at that time.

A number of related editorial revisions to 33 CFR subpart G are also proposed in this NPRM.

Approval of Inflatable Personal Flotation Devices and Other Equipment

The following paragraphs describe minor proposed revisions which are related to the approval of inflatable personal flotation devices, but which are relevant to the approval of other items of equipment as well.

This NPRM proposes to revise §§ 2.75-1(f) and 159.005-13(a)(4) of Title 46 to eliminate the requirement that the Coast Guard publish approval actions in the Federal Register. No such listing has been published in recent years, and the Coast Guard has received no complaints. The Coast Guard's estimation is that the listing was rarely, if ever, used. It is the Coast Guard's position that its publication "Equipment Lists," published approximately every two years, is readily available through the Government Printing Office. More current information can be obtained directly from the Coast Guard from its computerized data base upon request. Accordingly, the revised §§ 2.75-1(f) and 159.005-13(a)(4) would identify the "Equipment Lists" publication and state

that it is available from the Government Printing Office.

The Coast Guard proposes to remove §§ 2.75-17, 2.75-18, and 2.75-19. These sections deal with documents referenced in Coast Guard regulations, and have been made obsolete by the Office of the Federal Register's current policy on documents incorporated by reference. The Coast Guard also proposes to remove § 2.75-20 because the affidavit and certification program described in that section is no longer in use.

This NPRM also proposes to remove § 2.75-30. This section would be replaced by new and revised sections of 46 CFR parts 159 and 160 to more accurately describe the approval procedures for PFDs used on recreational boats. Section 2.75-30 was first published in 1964 when the Coast Guard started using independent laboratories to perform certain approval functions related to "Special purpose water safety buoyant devices." Much of this section is now obsolete, including its title. The proposed revisions to parts 159 and 160 are discussed in more detail, below.

Proposed revisions to § 2.75-50 would update the appeal process regarding denials, withdrawals and terminations of approval. The Merchant Marine Council referred to in the present section no longer exists. The proposed procedure would provide for appeal to the Chief of the Office of Marine Safety, Security, and Environmental Protection in accordance with the appeal procedures of 46 CFR subpart 1.03. Proposed revisions to § 159.001-2 would refer to revised § 2.75-50 as the appropriate appeal procedure.

The definitions in § 159.001-3 are proposed to be revised by deleting "Listed laboratory" and "Test plan". Definitions for "classification society", "independent laboratory", and "recognized independent laboratory" would be added. Except for "classification society", these proposed changes are necessary to conform to other revisions to part 159 discussed below.

A new § 159.001-4 would list documents incorporated by reference into part 159.

Inspection Functions

Classification societies perform many inspection functions related to commercial shipping in the United States and around the world. The maritime safety administrations of other governments, like the U.S. Coast Guard, also perform some of these inspection functions. Some of these classification

societies and government agencies operate laboratory facilities, but others perform all of their inspections and tests at shipyards and other manufacturing sites. Classification societies meeting the standards set out in Resolution A.739(18) of the International Maritime Organization (IMO), and agencies of other governments involved in the inspection and testing of marine safety equipment, are capable of performing all of the functions of an independent laboratory for many items of approved equipment. Therefore, the Coast Guard proposes to clarify the definition of "independent laboratory" to include such classification societies and government agencies. The proposed definition is broad enough to include other agencies of the U.S. government, so that U.S. Navy and Department of Defense personnel, for example, could perform certain inspections of Coast Guard approved equipment being purchased by those agencies. Under proposed revisions § 159.010-5, independent laboratories would be required to submit specified information to the Coast Guard in order to be accepted. Commercial laboratories would be required to submit additional information which would be irrelevant for classification societies and government agencies.

Proposed § 159.001-5 would include a facsimile number and an electronic mail address for the Commandant (G-MVI) to provide optional methods of communication with the Coast Guard.

Subpart 159.010 would be revised to eliminate all references to "listing" of, and "listed" laboratories. When Subpart 159.010 was published, it was envisioned that such laboratories would prepare a detailed test plan for Coast Guard review and approval, and that such laboratories would be "listed" in the various subparts under which they had been accepted. This listing of laboratories never occurred, and the Coast Guard now considers the concept to be obsolete. These revisions affect the title of subpart 159.010, as well as §§ 159.010-1(a)(2) and -1(a)(3), 159.010-7 (to be removed), 159.010-9, 159.010-11 (to be removed), 159.010-17, 159.010-19, and 159.010-21. In addition, sections of various subparts which were to contain these laboratory listings are proposed to be removed. These are §§ 160.021-9, 160.022-9, 160.023-9, 160.024-9, 160.028-9, 160.031-9, 160.036-9, 160.037-9, 160.040-9, 160.057-9, and 160.066-18. A related revision is proposed for § 160.066-11(c).

All laboratories that qualify to perform testing and inspection for the Coast Guard under subpart 159.010 are

considered accepted "independent laboratories". For some classes of equipment, such as PFDs for recreational boats, the Coast Guard uses laboratories not only to test and inspect equipment, but also to perform other functions related to approval, such as standards development and design review. The Coast Guard refers to these laboratories as "recognized independent laboratories". Recognized independent laboratories must enter into a memorandum of understanding (MOU) with the Coast Guard as discussed later in this preamble.

Subpart 159.010 would be revised to incorporate requirements for "recognized" laboratories, which are currently addressed in 46 CFR 2.75-30. The Coast Guard intends to eventually have all of the requirements for independent laboratories in one place, and to limit the types of acceptances to just two, instead of the present three (accepted, listed, and recognized). Under the proposed revisions, laboratories would be "accepted" for testing equipment under 46 CFR subchapter Q. For certain items of equipment, particularly items with high production volumes, the Coast Guard would use accepted laboratories that are also "recognized" to perform certain approval functions on behalf of the Coast Guard. These functions would be specified in a Memorandum of Understanding (MOU) between each laboratory and the Coast Guard.

The Coast Guard and UL have signed the first such MOU, which covers testing and approval of PFDs. The Coast Guard wishes to implement this MOU for the approval of inflatable PFDs for recreational boats, as well as for the approval of other PFDs for which UL is already recognized. The MOU has been placed in the docket for this project and is available for inspection and copying. The UL MOU also can be obtained by writing to Commandant (G-MVI), U.S. Coast Guard, 2100 Second Street, S.W. Washington, DC, 20593-0001, or by sending a request via electronic mail to "s.wehr/g-m18@cgsmtm.comdt.uscg.mil".

Note that the NPRM does not propose to remove or revise 46 CFR 2.75-25 covering recognized laboratories for portable fire extinguishers. UL, Factory Mutual, and Underwriters Laboratories of Canada are all recognized for testing and approval of various types of portable fire extinguishers at present.

The proposed revisions to subpart 159.010 regarding recognized laboratories are described in the following paragraphs:

(a) Section 159.010-1 would be revised to indicate that recognized

laboratories are covered in Subpart 159.010.

(b) Section 159.010-9 would be completely revised to contain a description of the required contents of an MOU, the requirements for laboratories that desire to enter into MOUs with the Coast Guard in order to become recognized laboratories, and information on how to obtain copies of existing MOUs and related information. This section proposes to require, as part of the MOU, comparison testing with other recognized laboratories for those items of equipment, such as PFDs, where subjective testing is involved. Because PFDs require testing with human subjects, the way the tests are run can significantly affect the results. Therefore, the Coast Guard is considering ways to make sure that recognized laboratories achieve comparable results. As drafted, the rule would simply require each laboratory to conduct comparison testing as directed by the Coast Guard, no more often than once every six months. Comments are requested on any or all of the following alternatives for assuring comparability of determinations and test results:

(1) Laboratories could be required to retain test PFDs for at least six months after testing is completed. The Coast Guard could call for these devices at any time before they are discarded, and provide them to another recognized laboratory or laboratory seeking recognition for testing. The second laboratory's results should be comparable to those of the first laboratory. If they are not, the Coast Guard would conduct an analysis to determine why the results are different and how to resolve the differences.

(2) The Coast Guard is considering including a provision in the MOU in which the recognized laboratory would agree to participate in an annual workshop. At such a workshop, laboratories could share information regarding methods used during approval testing. The Coast Guard expects that laboratories would take turns hosting workshops, and that test personnel from all recognized laboratories would attend. Problems identified by the Coast Guard, manufacturers, and the laboratories could be addressed at these workshops, and the various methods of conducting tests could be compared. Results could be compared using different types of test equipment and techniques.

(3) The Coast Guard also seeks to ensure that all recognized laboratories performing approval procedures consider not only the needs of manufacturers, but the needs of PFD users and potential accident victims as

well. The Coast Guard seeks to ensure that laboratories appropriately consider the needs of PFD users while providing uniform approval testing services. The Coast Guard specifically seeks comments regarding incentives that could be established to encourage laboratories to maintain the proper balance between the needs of boaters and manufacturers.

(c) Sections 159.010-17, 159.010-19, and 159.010-21 would be revised to cover MOUs and recognized laboratories.

(d) Finally, revisions are proposed in several subparts of part 160 covering PFDs, to remove information that would be redundant or obsolete, as a result of the proposed changes to subpart 159.010 on recognized laboratories. The revisions would affect subparts 160.047, 160.048, 160.049, 160.052, 160.060, 160.064, and 160.077.

Commercial Vessels

Although the inflatable PFDs approved under the rules in the IFR are intended for recreational boats, the Coast Guard is considering permitting them to be used on certain small commercial vessels. Uninspected commercial vessels under 12.1 m (40 ft) in length, not carrying passengers, may presently carry the same types of PFDs used on recreational boats. The regulations for these vessels are in 46 CFR subchapter C. In addition, small passenger vessels inspected under 46 CFR subchapter T, may carry recreational boat PFDs as additional equipment for the optional use of passengers, who want to wear PFDs while underway. Under the IFR, inflatable PFDs for recreational boats will be required to be marked "NOT APPROVED FOR USE ON COMMERCIAL VESSELS." If, as a result of comments, the Coast Guard decides to permit the limited use of these devices on commercial vessels, the requirement for the marking will be removed.

Incorporation by Reference

The following material would be incorporated by reference in 33 CFR 181.4: Underwriters Laboratories Standard UL 1123, Marine Buoyant Devices, February 17, 1995; and Underwriters Laboratories Standard UL 1180, Fully Inflatable Recreational Personal Flotation Devices, edition 1, May 15, 1995. The following material would be incorporated by reference in 46 CFR 159.001-2: International Maritime Organization Resolution A.739(18), Guidelines for the Authorization of Organizations Acting on Behalf of the Administration,

November 22, 1993. Copies of the material are available for inspection where indicated under "ADDRESSES." Copies of the material are available from the sources listed in 33 CFR 181.4, and 46 CFR 159.001-2.

Before publishing a final rule, the Coast Guard will submit this material to the Director of the Federal Register for approval of the incorporation by reference.

Regulatory Evaluation

This proposal is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has not been reviewed by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979).

The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. The rules proposed in this notice are generally procedural, to enable boaters to purchase and use inflatable PFDs on their boats, only if they wish to do so. The only proposal that would require affected parties to do something they are not already doing, is the proposal to provide postage prepaid registration cards. Manufacturers are only being required to hold these cards for five years. No analysis or production of lists is required, unless a defect in an inflatable PFD is found. In that case, the registration cards will make it easier and less costly to locate owners, than it would be otherwise. The volume of these cards will not be such that manufacturers should have to add facilities or staff. The cards probably will be printed as part of the PFD information manual that is presently required for all PFDs. Postage would be 20 per card if stamps are used. If the total cost for this requirement, including overhead, is 50 per device, the total cost to the industry would be only \$25,000 annually if 50,000 units per year are produced. Comments are invited on this analysis.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Coast Guard must consider whether this proposal, if adopted, will have a significant economic impact on a substantial number of small entities. "Small entities" may include (1) small businesses and not-for-profit organizations that are independently

owned and operated and are not dominant in their fields and (2) governmental jurisdictions with populations of less than 50,000.

The rules proposed in this notice are generally procedural, to enable boaters to purchase and use inflatable PFDs on their boats, only if they wish to do so. As discussed above the economic impact of the new requirements are expected to be minimal. Because it expects the impact of this proposal to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, will not have a significant economic impact on a substantial number of small entities.

Collection of Information

Under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.), the Office of Management and Budget (OMB) reviews each proposed rule that contains a collection-of-information requirement to determine whether the practical value of the information is worth the burden imposed by its collection. Collection-of-information requirements include reporting, recordkeeping, notification, and other, similar requirements.

This proposal contains collection-of-information requirements in the following sections: 33 CFR part 181, subpart H. The following particulars apply:

DOT No: 2115.

OMB Control No.: 2115-0141

Administration: U.S. Coast Guard.

Title: Reporting and recordkeeping requirements for fire fighting equipment, structural fire protection materials, lifesaving equipment, and marine sanitation devices.

Need for information: Registration cards are needed to enable manufacturers to notify first purchasers of any defects found in inflatable personal flotation devices.

A Memorandum of Understanding (MOU) is needed to document the responsibilities of the laboratory and the responsibilities of the Coast Guard in relation to equipment testing, inspection, and approval.

Proposed Use of Information: Manufacturers would use the registration card information to contact first purchasers of inflatable PFDs found to have defects.

An MOU formally documents the responsibilities of the laboratory and the responsibilities of the Coast Guard in relation to equipment testing, inspection, and approval.

Frequency of Response: Registration cards would be used only if a manufacturer's PFDs were found to have defects that required notification of first

purchasers. No regular reporting is required.

An MOU is required only once, when a laboratory seeks to become a recognized laboratory for a particular classification of equipment.

Burden Estimate: Total annual burden for registration cards is approximately 1700 hours industry-wide.

The Coast Guard estimates that no more than one MOU per year would be developed. Drafting of the MOU should not require more than two weeks of effort for one person, for an annual burden of 80 hours. Copies of existing MOUs may be obtained from the Coast Guard and modified to meet the needs of the individual laboratory and the Coast Guard.

Respondents: Registration card respondents are the estimated five manufacturers that will produce Coast Guard approved inflatable PFDs for recreational boats.

MOU respondents are laboratories that want to be recognized independent laboratories. The Coast Guard estimates no more than one MOU respondent per year.

Form(s): No Federal forms are required.

Average Burden Hours Per Respondent: 340 hours annually for each of the five manufacturers holding registration cards.

If the average recognized laboratory enters into a new or revised MOU once every five years, the average annual burden would be 16 hours.

The Coast Guard has submitted the requirements to OMB for review under section 3504(h) of the Paperwork Reduction Act. Persons submitting comments on the requirements should submit their comments both to OMB and to the Coast Guard where indicated under **ADDRESSES**.

Federalism

The Coast Guard has analyzed this proposal under the principles and criteria contained in Executive Order 12612 and has determined that this proposal does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. This rulemaking establishes and revises procedures for Coast Guard approval of inflatable and other PFDs. The authority to establish these requirements are committed to the Coast Guard by Federal statutes. Furthermore, since PFDs are manufactured and used in the national marketplace, safety standards for PFDs should be national in scope to avoid burdensome variances. Therefore, the Coast Guard intends for this rule, if adopted, to preempt State action on the same subject matter.

Environment

The Coast Guard considered the environmental impact of this proposal and concluded that, under paragraph 2.B.2 of Commandant Instruction M16475.1B, this proposal is categorically excluded from further environmental documentation. The proposal is procedural in nature, and contains nothing that would affect the environment.

List of Subjects

33 CFR Part 175

Marine safety.

33 CFR Part 179

Marine safety, Reporting and recordkeeping requirements.

33 CFR Part 181

Labeling, Marine safety, Reporting and recordkeeping requirements.

46 CFR Part 2

Marine safety, Reporting and recordkeeping requirements, vessels.

46 CFR Part 159

Business and industry, Laboratories, Marine safety, Reporting and recordkeeping requirements.

46 CFR Part 160

Marine safety, Reporting and recordkeeping requirements.

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR parts 175, 179 and 181; and 46 CFR parts 2, 159, and 160 as follows:

Title 33—[Amended]

PART 175—EQUIPMENT REQUIREMENTS

1. The authority citation for part 175 continues to read as follows:

Authority: 46 U.S.C. 4302; 49 CFR 1.46

2. In § 175.21, paragraph (a) is revised to read as follows:

§ 175.21 Condition; size and fit; approval marking.

* * * * *

(a) In serviceable condition as provided in § 175.23;

* * * * *

3. Section 175.23 is added to read as follows:

§ 175.23 Serviceable condition.

A PFD is considered to be in serviceable condition for purposes of § 175.21(a) only if the following conditions are met:

(a) No PFD may exhibit deterioration that could diminish the performance of the PFD, including—

(1) Metal or plastic hardware used to secure the PFD on the wearer that is broken, deformed, or weakened by corrosion;

(2) Webbing or straps used to secure the PFD on the wearer that are ripped, torn, or which have become separated from an attachment point on the PFD; or

(3) Any other rotted or deteriorated structural component that fails when tugged.

(b) In addition to meeting the requirements of paragraph (a) of this section, no inherently buoyant PFD, including the inherently buoyant components of a hybrid inflatable PFD, may exhibit—

(1) Rips, tears, or open seams in fabric or coatings, that are large enough to allow the loss of buoyant material;

(2) Buoyant material that has become hardened, non-resilient, permanently compressed, waterlogged, oil-soaked, or which shows evidence of fungus or mildew; or

(3) Loss of buoyant material or buoyant material that is not securely held in position.

(c) In addition to meeting the requirements of paragraph (a) of this section, an inflatable PFD, including the inflatable components of a hybrid inflatable PFD, must be equipped with—

(1) Except as provided in paragraph (d) of this section, a properly armed inflation mechanism, complete with a full inflation medium cartridge and all status indicators showing that the inflation mechanism is properly armed;

(2) Inflatable chambers that are all capable of holding air;

(3) Oral inflation tubes that are not blocked, detached, or broken;

(4) A manual inflation lanyard or lever that is not inaccessible, broken, or missing; and

(5) Inflator status indicators that are not broken or otherwise non-functional.

(d) The inflation system of an inflatable PFD need not be armed when the PFD is worn inflated and otherwise meets the requirements of paragraphs (a) and (c) of this section.

PART 179—DEFECT NOTIFICATION

4. The authority citation for Part 179 is revised to read as follows:

Authority: 43 U.S.C. 1333; 46 U.S.C. 4302, 4307, 4310, and 4311; 49 CFR 1.46.

5. Section 179.01 is revised to read as follows:

§ 179.01 Purpose.

This part prescribes rules to implement 46 U.S.C. 4310, governing the notification of defects in boats and associated equipment.

6. Section 179.03 is revised to read as follows:

§ 179.03 Definitions.

Associated equipment means the following equipment as shipped, transferred, or sold from the place of manufacture and includes all attached parts and accessories:

(a) An inboard engine.

(b) An outboard engine.

(c) A stern drive unit.

(d) An inflatable personal flotation device approved under 46 CFR 160.076.

Boat means any vessel—

(a) Manufactured or used primarily for noncommercial use;

(b) Leased, rented, or chartered to another for the latter's noncommercial use; or

(c) Engaged in the carrying of six or fewer passengers.

Manufacturer means any person engaged in—

(a) The manufacture, construction, or assembly of boats or associated equipment;

(b) The manufacture or construction of components for boats and associated equipment to be sold for subsequent assembly; or

(c) The importation into the United States for sale of boats, associated equipment, or components thereof.

7. Section 179.05 is revised to read as follows:

§ 179.05 Manufacturer discovered defects.

Each manufacturer who is required to furnish a notice of a defect or failure to comply with a standard under 46 U.S.C. 4310(b), shall furnish that notice within 30 days after the manufacturer discovers the defect or failure to comply.

8. Section 179.07 is revised to read as follows:

§ 179.07 Notice given by "more expeditious means".

Each manufacturer who gives notice by more expeditious means as provided for in 46 U.S.C. 4310(c)(1)(C), must give such notice in writing.

9. In § 179.09 the introductory paragraph is revised to read as follows:

§ 179.09 Contents of notification.

Each notice required under 46 U.S.C. 4310(b) must include the following additional information:

* * * * *

10. Section 179.11 is revised to read as follows:

§ 179.11 Defects determined by the Commandant.

A manufacturer who is informed by the Commandant under 46 U.S.C. 4310(f) that a boat or associated

equipment contains a defect relating to safety or failure to comply with a regulation issued under the authority of 46 U.S.C. 4302, shall within 30 days of receipt of the information—

(a) Furnish the notification described in 46 U.S.C. 4310(d) to the persons designated in 46 U.S.C. 4310(c), or

(b) Provide information to the Commandant by certified mail stating why the manufacturer believes there is no defect relating to safety or failure of compliance.

11. In § 179.13, paragraphs (a) introductory text, (a)(1), and (a)(2) are revised to read as follows:

§ 179.13 Initial report to the Commandant.

(a) When a manufacturer gives a notification required under 46 U.S.C. 4310, the manufacturer shall concurrently send to the Commandant by certified mail—

(1) A true or representative copy of each notice, bulletin, and other communication given to persons required to be notified under 46 U.S.C. 4310(c);

(2) The total number of boats or items of associated equipment potentially affected by the defect or failure to comply with a standard prescribed under 46 U.S.C. 4302; and

(3) * * *

12. Section 179.17 is revised to read as follows:

§ 179.17 Penalties.

Each manufacturer who fails to comply with a provision of 46 U.S.C. 4310 or the regulations in this part, is subject to the penalties as prescribed in 46 U.S.C. 4311.

13. Section 179.19 is revised to read as follows:

§ 179.19 Address of the Commandant.

(a) Each report and communication sent to the Coast Guard and required by this part concerning boats and associated equipment other than inflatable personal flotation devices, must be submitted to Commandant (G-NAB-6), U.S. Coast Guard, 2100 Second St., S.W., Washington, DC 20593-0001.

(b) Each report and communication sent to the Coast Guard and required by this part concerning inflatable personal flotation devices, must be submitted to Commandant (G-MVI-3), U.S. Coast Guard, 2100 Second St., S.W., Washington, DC 20593-0001.

PART 181—MANUFACTURER REQUIREMENTS

14. The authority citation for part 181 is revised to read as follows:

Authority: 46 U.S.C. 4302 and 4310; 49 CFR 1.46.

Subpart A—General

15. In § 181.4, paragraph (b) is revised to read as follows:

§ 181.4 Incorporation by reference.

* * * * *

(b) The materials approved for incorporation by reference in this part, and the sections affected are:

Underwriters Laboratories, Inc., 333 Pfingsten Road, Northbrook, IL 60062

UL 1123, Marine Buoyant Devices—

181.703 February 17, 1995.

UL 1180, Fully Inflatable Recreational Personal—181.705

Flotation Devices, edition 1, May 15, 1995.

16. Section 181.702 is revised to read as follows:

§ 181.702 Information pamphlet: requirement to furnish.

(a) Each manufacturer of a Type I, II, III, IV, or V personal flotation device (PFD) must furnish with each PFD that is sold or offered for sale for use on a recreational boat, an information pamphlet meeting the requirements of § 181.703, § 181.704, or § 181.705 of this subpart, as appropriate.

(b) No person may sell or offer for sale for use on a recreational boat, a Type I, II, III, IV, or V PFD unless an information pamphlet required by this section is attached in such a way that it can be read prior to purchase.

17. Section 181.703 is revised to read as follows:

§ 181.703 Information pamphlet: Contents.

Unless otherwise specified in this subpart, each information pamphlet must contain the information specified in sections 33, 34 and 35 of UL 1123.

18. Section 181.704 is added to read as follows:

§ 181.704 Contents of information pamphlet: Recreational hybrid PFD.

Each information pamphlet for a recreational hybrid PFD approved under 46 CFR 160.077 must contain the information specified in 46 CFR 160.077-27.

19. Section 181.705 is added to read as follows:

§ 181.705 Contents of information pamphlet: Recreational inflatable PFD.

Each information pamphlet for a recreational inflatable PFD approved under 46 CFR 160.077 must contain the information required by 46 CFR 160.076-35.

20. Subpart H is added to read as follows:

Subpart H—Registration Card for Inflatable Personal Flotation Devices

Sec.

181.801 Applicability.

181.805 Registration card.

181.810 Retention of registration cards.

Subpart H—Registration Card for Inflatable Personal Flotation Devices

§ 181.801 Applicability.

This subpart applies to all inflatable personal flotation devices approved under 46 CFR 160.076.

§ 181.805 Registration card.

(a) The manufacturer of each inflatable personal flotation device shall furnish with each such device that is sold or offered for sale, a postage prepaid registration card addressed to the manufacturer.

(b) The registration card required by paragraph (a) of this section must be attached to the inflatable personal flotation device in the same manner as the instruction pamphlet required under § 181.703 of this chapter. Alternatively, the registration card may be printed as part of the pamphlet, arranged to be easily separated, so that the pamphlet remains intact.

(c) Each person who sells or offers for sale a new inflatable personal flotation device, shall ensure that the registration card is attached at the time of purchase unless the seller of an inflatable personal flotation device prepares and mails the registration card for the purchaser.

(d) The following information must be provided on or with the registration card:

(1) A statement that the manufacturer is required by federal law to maintain information on first purchasers of inflatable personal flotation devices intended for use on recreational boats.

(2) A statement urging the purchaser to complete and mail this registration card to enable the manufacturer to notify the purchaser of any important safety information concerning the device.

(3) A statement encouraging the purchaser to notify the manufacturer of any change in the owner's name or address, should such a change occur in the future.

(4) A statement indicating that a purchaser of more than one device of the same model only needs to complete and mail one registration card.

(e) The registration card must include the following:

(1) Spaces for the purchaser's name, address, telephone number, and date of purchase.

(2) A way to indicate the quantity of the particular make and model of device purchased.

(3) Other information needed by the manufacturer to identify the manufacturing lot or serial numbers of the devices purchased.

§ 181.810 Retention of registration cards.

The manufacturer shall retain each completed registration card for a period of at least five years after it is received.

TITLE 46—[AMENDED]

PART 2—VESSEL INSPECTIONS

21. The authority citation for part 2 is revised to read as follows:

Authority: 33 U.S.C. 1903; 43 U.S.C. 1333; 46 U.S.C. 3306, 3703; E.O. 12334, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46; Subpart 2.45 also issued under the authority of Act Dec. 27, 1950, Ch. 1155, secs. 1, 2, 64 Stat. 1120 (see 46 U.S.C. App. note prec. 1).

22. In § 2.75–1, paragraph (f) is revised to read as follows:

§ 2.75–1 Approvals.

* * * * *

(f) A listing of current and formerly approved equipment and materials is published by the Coast Guard from time to time in "Equipment Lists" (COMDTINST M16714.3 series), which is available for sale from the Superintendent of Documents, Government Printing Office.

§ 2.75–17 [Removed]

23. Section 2.75–17 is removed.

§ 2.75–18 [Removed]

24. Section 2.75–18 is removed.

§ 2.75–19 [Removed]

25. Section 2.75–19 is removed.

§ 2.75–20 [Removed]

26. Section 2.75–20 is removed.

§ 2.75–30 [Removed]

27. Section 2.75–30 is removed.

28. In § 2.75–50, the section heading and paragraph (a) are revised and a new paragraph (c) is added to read as follows:

§ 2.75–50 Withdrawals or terminations of approvals and appeals.

(a) The Commandant may withdraw approval for any item which is found not to be in compliance with the conditions of approval, found to be unsuitable for its intended purpose, or does not meet the requirements of applicable regulations.

* * * * *

(c) Any person directly affected by a decision to deny, withdraw, or terminate an approval may appeal the

decision to the Chief of the Office of Marine Safety, Security, and Environmental Protection (Commandant (G–M)) as provided in § 1.03–15 of this chapter.

PART 159—APPROVAL OF EQUIPMENT AND MATERIALS

29. The authority citation for part 159 is revised to read as follows:

Authority: 46 U.S.C. 3306, 3703; 49 CFR 1.45, 1.46; Section 159.001–9 also issued under the authority of 44 U.S.C. 3507.

30. Section 159.001–2 is revised to read as follows:

§ 159.001–2 Right of appeal.

Any person directly affected by a decision or action taken under this subchapter, by or on behalf of the Coast Guard, may appeal to the Chief of the Office of Marine Safety, Security, and Environmental Protection (Commandant (G–M)) as provided in § 1.03–15 of this chapter.

31. Section 159.001–3 is revised to read as follows:

§ 159.001–3 Definitions.

As used in this part:

Classification society means an organization involved in the inspection of ships and ship equipment, and which, as determined by the Commandant, meets the standards in IMO Resolution A.739(18).

Independent laboratory means an organization which meets the standards for acceptance in § 159.010–3 of this part, and which is accepted by the Coast Guard for performing certain tests and inspections. In addition to commercial testing laboratories, the Commandant may also accept classification societies and agencies of governments that are involved in the inspection and testing of marine safety equipment that meet the requirements of § 159.010–3.

Memorandum of Understanding (MOU) is an agreement between the Coast Guard and a laboratory that specifies the approval functions a recognized independent laboratory performs for the Coast Guard and the recognized independent laboratory's working arrangements with the Coast Guard.

Recognized independent laboratory means an independent laboratory which meets the standards of § 159.010–3, and is accepted by the Coast Guard to perform certain equipment approval functions on behalf of the Coast Guard, as described in a Memorandum of Understanding signed by the laboratory and the Coast Guard in accordance with § 159.010–9(b).

32. Section 159.001–4 is added to read as follows:

§ 159.001–4 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of change in the **Federal Register**; and the material must be available to the public. All approved material is available for inspection at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC, and at the U.S. Coast Guard, Survival Systems Branch (G–MVI–3), 2100 Second Street SW, Washington, DC 20593–0001, and is available from the sources indicated in paragraph (b) of this section.

(b) The material approved for incorporation by reference in this part (subchapter) and the sections affected are as follows:

International Maritime Organization (IMO)

Publications Section, 4 Albert Embankment, London SE1 7SR, England

Resolution A.739(18), Guidelines for the Authorization of Organizations Acting on Behalf of the Administration, November 22, 1993—159.001–3

33. Section 159.001–5 is revised to read as follows:

§ 159.001–5 Correspondence and applications.

Unless otherwise specified, all correspondence and applications in connection with approval and testing of equipment and materials must be addressed to: Commandant (G–MVI), U.S. Coast Guard, 2100 Second St., S.W., Washington, DC 20593–0001, Telephone: (202) 267–1444, Facsimile: (202) 267–1069, Electronic mail: "MVI–3/G–M18@cgsmtmp.comdt.uscg.mil".

Subpart 159.005—Approval Procedures

34. In § 159.005–13, paragraph (a)(4) is revised to read as follows:

§ 159.005–13 Equipment or material: approval.

(a) * * *

(4) Publishes a record of the approval in "Equipment Lists." The most recent edition of "Equipment Lists" U.S. Coast Guard Publication M16714.3 (series) is available from the Superintendent of Documents, U.S. Government Printing

Office, P.O. Box 371954, Pittsburgh, PA 15250-7954.

* * * * *

35. The title of subpart 159.010 is revised to read as follows:

Subpart 159.010—Independent Laboratory: Acceptance, Recognition, and Termination

36. Section 159.010-1 is revised to read as follows:

§ 159.010-1 Purpose.

This subpart contains the following:

(a) The standards and procedures under which the Coast guard accepts an independent laboratory that a manufacturer proposes to use.

(b) The standards and procedures under which a laboratory is accepted as a recognized laboratory under applicable subparts.

(c) The circumstances under which the acceptance or recognition of a laboratory is terminated.

37. Section 159.010-5 is revised to read as follows:

§ 159.010-5 Independent laboratory: application for acceptance.

(a) Each application for acceptance of an organization as an independent laboratory must contain the following:

(1) The name and address of the organization.

(2) A list of the equipment or material that the organization would inspect, or test, or both, under this subchapter.

(3) A description of the organization's experience and its qualifications for conducting the inspections and tests required in the applicable subpart.

(4) A description of the apparatus and facilities available to the organization for conducting those inspections and tests.

(5) If instruments are used in the required tests and inspections, a description of the instrument calibration program applying to those instruments.

(6) The position titles of personnel who are to perform, supervise, or witness those inspections or tests, along with the training and experience required for personnel in those positions.

(7) A statement signed by the chief officer of the organization or the chief officer's representative, that an official representative of the Coast Guard is allowed access to the place where tests and inspections take place, to verify the information submitted in the application, or to witness tests and inspections.

(b) Each application for acceptance as an independent laboratory from an organization that is not submitted by an

agency of another government, or a classification society, must also contain the following:

(1) The name and address of each subsidiary and division of the organization or a statement that none are involved in the testing or manufacturing of equipment approved under this subchapter.

(2) The name, title, address, and principal business activity of each of the organization's officers and directors, and the name, address, and principal business activity of each person, company, or corporation that owns at least three-percent interest in the organization or in a company or corporation that controls the organization.

§ 159.010-7 [Removed]

38. Section 159.010-7 is removed.

39. Section 159.010-9 is revised to read as follows:

§ 159.010-9 Recognized independent laboratory: Memorandum of Understanding.

(a) Only laboratories that have entered into an MOU with the Coast Guard may perform the functions of a recognized laboratory under this chapter.

(b) An independent laboratory seeking to become a recognized independent laboratory must submit a signed MOU to the Commandant that includes—

(1) A statement of purpose;

(2) An identification and description of the parties involved;

(3) A description of the problem resolution and appeals processes;

(4) A description of the process for measuring effectiveness and efficiency of the program under the MOU;

(5) The effective date of the MOU and terms for its termination;

(6) A statement to the effect that the MOU is not an exclusive agreement between the recognized independent laboratory and the Coast Guard;

(7) An agreement to conduct comparison testing with other recognized laboratories as directed by the Coast Guard, no more often than twice each year, with the laboratory bearing the cost of sample acquisition and testing;

(8) A statement as to how the costs of implementing the MOU will be borne; and

(9) A description of each party's responsibilities for—

(i) Equipment review and approval;

(ii) Coast Guard oversight of the recognized independent laboratory's procedures and processes;

(iii) Coordination between the parties;

(iv) Developing and maintaining regulations and standards;

(v) Handling review and approval of new and novel items not anticipated by existing regulations and standards;

(vi) Testing and inspection facilities and procedures;

(vii) Production quality control; and

(viii) Maintenance of records.

(c) The signature on the MOU required by paragraph (b) of this section must be that of the chief officer of the independent laboratory or the chief officer's representative. The Commandant or an authorized representative of the Commandant will review the MOU to ensure it contains the information contained in paragraph (b) of this section and is consistent with other MOUs signed by the Commandant. If the Commandant determines that the MOU is acceptable and the independent laboratory is capable of carrying out the functions identified in the MOU, the Commandant or authorized representative will sign the MOU. Where qualitative tests or determinations are required for approval or follow-up, provision must be made for conducting comparison tests with other recognized laboratories.

(d) Copies of MOUs signed by the Commandant in accordance with this part and of lists of independent laboratories which have been accepted as recognized laboratories but which have not yet been added to the lists included in this subchapter may be obtained at the address listed in § 159.001-5.

§ 159.010-11 [Removed]

40. Section 159.010-11 is removed.

41. Section 159.010-17 is revised to read as follows:

§ 159.010-17 Changes in the laboratory's qualifications.

(a) If any of the information submitted under § 159.010-5(a) changes, the laboratory shall notify the Commandant in writing of each change within 30 days after the change has occurred.

(b) If any change in the independent laboratory occurs which affects its performance under the MOU required under § 159.010-9, the laboratory shall notify the Commandant in writing within 30 days after the change occurs. The Commandant may terminate the MOU, or may require amendments or revisions.

42. Section 159.010-19 is revised to read as follows:

§ 159.010-19 Termination of acceptance or recognition of an independent laboratory.

The acceptance or recognition of a laboratory terminates if the laboratory—

(a) Requests termination;

(b) Is no longer in business;

(c) Knowingly fails to perform or supervise an inspection or test, or both, as required in an applicable subpart;

(d) Knowingly attests to the lack of errors, omissions, or false statement of an approval test report that contains errors, omissions, or false statements;

(e) Does not meet the requirements of § 159.010–3(a);

(f) Does not comply with § 159.010–17;

(g) Contracts or transfers the performance or supervision of required inspections or tests to another laboratory or person without the approval of the Commandant; or

(h) Fails to, or in the opinion of the Commandant is unable to, carry out its responsibilities under an MOU required by § 159.010–9.

43. In § 159.010–21, the section heading and paragraph (a) are revised to read as follows:

§ 159.010–21 Termination of acceptance or recognition: Procedure.

(a) If the Coast Guard receives evidence of grounds for termination of acceptance or recognition of an independent laboratory under § 159.010–19, the Commandant will notify the laboratory that termination is under consideration. The notification will specify the reasons for which termination is considered. If a deficiency could materially affect the validity of an approval issued under an applicable subpart, the Commandant may immediately suspend the acceptance of the laboratory and may direct the holder of the certificate of approval to cease claiming that the items tested or inspected by the laboratory are Coast Guard approved, pending a final decision in the matter. The Commandant may direct an investigation into the matter.

* * * * *

PART 160—LIFESAVING EQUIPMENT

44. The authority citation for Part 160 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703, and 4302; E.O. 12234, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

Subpart 160.021—Hand Red Flare Distress Signals

§ 160.021–9 [Removed]

45. Section 160.021–9 is removed.

Subpart 160.022—Floating Orange Smoke Distress Signals (5 Minutes)

§ 160.022–9 [Removed]

46. Section 160.022–9 is removed.

Subpart 160.023—Hand Combination Flare and Smoke Distress Signals

§ 160.023–9 [Removed]

47. Section 160.023–9 is removed.

Subpart 160.024—Pistol-Projected Parachute Red Flare Distress Signals

§ 160.024–9 [Removed]

48. Section 160.024–9 is removed.

Subpart 160.028—Signal Pistols for Red Flare Distress Signals

§ 160.028–9 [Removed]

49. Section 160.028–9 is removed.

Subpart 160.031—Line-Throwing Appliance, Shoulder Gun Type (and Equipment)

§ 160.031–9 [Removed]

50. Section 160.031–9 is removed.

Subpart 160.036—Hand-Held Rocket-Propelled Parachute Red Flare Distress Signals

§ 160.036–9 [Removed]

51. Section 160.036–9 is removed.

Subpart 160.037—Hand Orange Smoke Distress Signals

§ 160.037–9 [Removed]

52. Section 160.037–9 is removed.

Subpart 160.040—Line-Throwing Appliance, Impulse-Projected Rocket Type (and Equipment)

§ 160.040–9 [Removed]

53. Section 160.040–9 is removed.

Subpart 160.047—Specifications for a Buoyant Vest, Kapok, or Fibrous Glass, Adult and Child

§ 160.047–6a [Removed]

54. Section 160.047–6a is removed.

§ 160.047–6b [Removed]

55. Section 160.047–6b is removed.

§ 160.047–6c [Removed]

56. Section 160.047–6c is removed.

57. Section 160.047–7 is revised to read as follows:

§ 160.047–7 Recognized Laboratory.

(a) A manufacturer seeking Coast Guard approval of a product under this subpart shall follow the approval procedures of subpart 159.005 of this chapter, and shall apply for approval directly to a recognized independent laboratory. The following laboratories are recognized under § 159.010–9 of this chapter, to perform testing and approval functions under this subpart:

Underwriters Laboratories, 12 Laboratory Drive, P.O. Box 13995,

Research Triangle Park, NC 27709–3995, (919) 549–1400.

(b) Production oversight must be performed by the same laboratory that performs the approval tests unless, as determined by the Commandant, the employees of the laboratory performing production oversight receive training and support equal to that of the laboratory that performed the approval testing.

§ 160.047–9 [Removed]

58. Section 160.047–9 is removed.

§ 160.047–10 [Removed]

59. Section 160.047–10 is removed.

Subpart 160.048—Specification for a Buoyant Cushion, Fibrous Glass

§ 160.048–7 [Amended]

60. In § 160.048–7, remove paragraphs (a) and (d) and redesignate paragraphs (b), (c) and (e) as (a), (b) and (c), respectively.

§ 160.048–7a [Removed]

61. Section 160.048–7a is removed.

62. Section 160.048–8 is revised to read as follows:

§ 160.048–8 Recognized Laboratory.

(a) A manufacturer seeking Coast Guard approval of a product under this subpart shall follow the approval procedures of subpart 159.005 of this chapter, and shall apply for approval directly to a recognized independent laboratory. The following laboratories are recognized under § 159.010–9 of this chapter, to perform testing and approval functions under this subpart:

Underwriters Laboratories, 12 Laboratory Drive, P.O. Box 13995, Research Triangle Park, NC 27709–3995, (919) 549–1400.

(b) Production oversight must be performed by the same laboratory that performs the approval tests unless, as determined by the Commandant, the employees of the laboratory performing production oversight receive training and support equal to that of the laboratory that performed the approval testing.

§ 160.048–9 [Removed]

63. Section 160.048–9 is removed.

§ 160.048–10 [Removed]

64. Section 160.048–10 is removed.

Subpart 160.049—Specification for a Buoyant Cushion, Plastic Foam

§ 160.049–7 [Amended]

65. In § 160.049–7, revise the heading, remove paragraphs (a) and (d), and redesignate paragraphs (b), (c) and (e) as

paragraphs (a), (b) and (c), respectively, to read as follows:

§ 160.049-7 Procedure for approval.

* * * * *

§ 160.049-7a [Removed]

66. Section 160.049-7a is removed.

67. Section 160.049-8 is revised to read as follows:

§ 160.049-8 Recognized Laboratory.

(a) A manufacturer seeking Coast Guard approval of a product under this subpart shall follow the approval procedures of subpart 159.005 of this chapter, and shall apply for approval directly to a recognized independent laboratory. The following laboratories are recognized under § 159.010-9 of this chapter, to perform testing and approval functions under this subpart:

Underwriters Laboratories, 12 Laboratory Drive, P.O. Box 13995, Research Triangle Park, NC 27709-3995, (919) 549-1400.

(b) Production oversight must be performed by the same laboratory that performs the approval tests unless, as determined by the Commandant, the employees of the laboratory performing production oversight receive training and support equal to that of the laboratory that performed the approval testing.

§ 160.049-9 [Removed]

68. Section 160.049-9 is removed.

§ 160.049-10 [Removed]

69. Section 160.049-10 is removed.

Subpart 160.052—Specification for a Buoyant Vest, Unicellular Plastic Foam, Adult and Child

§ 160.052-8a [Removed]

70. Section 160.052-8a is removed.

§ 160.052-8b [Removed]

71. Section 160.052-8b is removed.

§ 160.052-8c [Removed]

72. Section 160.052-8c is removed.

73. Section 160.052-9 is revised to read as follows:

§ 160.052-9 Recognized Laboratory.

(a) A manufacturer seeking Coast Guard approval of a product under this subpart shall follow the approval procedures of subpart 159.005 of this chapter, and shall apply for approval directly to a recognized independent laboratory. The following laboratories are recognized under § 159.010-9 of this chapter, to perform testing and approval functions under this subpart:

Underwriters Laboratories, 12 Laboratory Drive, P.O. Box 13995,

Research Triangle Park, NC 27709-3995, (919) 549-1400.

(b) Production oversight must be performed by the same laboratory that performs the approval tests unless, as determined by the Commandant, the employees of the laboratory performing production oversight receive training and support equal to that of the laboratory that performed the approval testing.

§ 160.052-11 [Removed]

74. Section 160.052-11 is removed.

§ 160.052-12 [Removed]

75. Section 160.052-12 is removed.

Subpart 160.057—Floating Orange Smoke Distress Signals (15 Minutes)

§ 160.057-9 [Removed]

76. Section 160.057-9 is removed.

Subpart 160.060—Specification for a Buoyant Vest, Unicellular Polyethylene Foam, Adult and Child

§ 160.060-8a [Removed]

77. Section 160.060-8a is removed.

§ 160.060-8b [Removed]

78. Section 160.060-8b is removed.

§ 160.060-8c [Removed]

79. Section 160.060-8c is removed.

80. Section 160.060-9 is revised to read as follows:

§ 160.060-9 Recognized Laboratory.

(a) A manufacturer seeking Coast Guard approval of a product under this subpart shall follow the approval procedures of subpart 159.005 of this chapter, and shall apply for approval directly to a recognized independent laboratory. The following laboratories are recognized under § 159.010-9 of this chapter, to perform testing and approval functions under this subpart:

Underwriters Laboratories, 12 Laboratory Drive, P.O. Box 13995, Research Triangle Park, NC 27709-3995, (919) 549-1400.

(b) Production oversight must be performed by the same laboratory that performs the approval tests unless, as determined by the Commandant, the employees of the laboratory performing production oversight receive training and support equal to that of the laboratory that performed the approval testing.

§ 160.060-11 [Removed]

81. Section 160.060-11 is removed.

§ 160.060-12 [Removed]

82. Section 160.060-12 is removed.

Subpart 160.064—Marine Buoyant Devices

§ 160.064-5 [Removed]

83. Section 160.064-5 is removed.

§ 160.064-5a [Removed]

84. Section 160.064-5a is removed.

§ 160.064-5b [Removed]

85. Section 160.064-5b is removed.

86. Section 160.064-7 is revised to read as follows:

§ 160.064-7 Recognized Laboratory.

(a) A manufacturer seeking Coast Guard approval of a product under this subpart shall follow the approval procedures of subpart 159.005 of this chapter, and shall apply for approval directly to a recognized independent laboratory. The following laboratories are recognized under § 159.010-9 of this chapter to perform testing and approval functions under this subpart:

Underwriters Laboratories, 12 Laboratory Drive, P.O. Box 13995, Research Triangle Park, NC 27709-3995, (919) 549-1400.

(b) Production oversight must be performed by the same laboratory that performs the approval tests unless, as determined by the Commandant, the employees of the laboratory performing production oversight receive training and support equal to that of the laboratory that performed the approval testing.

§ 160.064-8 [Removed]

87. Section 160.064-8 is removed.

§ 160.064-9 [Removed]

88. Section 160.064-9 is removed.

Subpart 160.066—Distress Signal for Boats, Red Aerial Pyrotechnic Flare

89. In § 160.066-11, paragraph (c) is revised to read as follows:

§ 160.066-11 Approval procedures.

* * * * *

(c) The approval tests must be performed by an independent laboratory accepted by the Commandant under Subpart 159.010 of this chapter.

§ 160.066-18 [Removed]

90. Section 160.066-18 is removed.

Subpart 160.077—Hybrid Inflatable Personal Flotation Devices

91. Section 160.077-9 is revised to read as follows:

§ 160.077-9 Recognized Laboratory.

(a) A manufacturer seeking Coast Guard approval of a product under this subpart shall follow the approval procedures of subpart 159.005 of this

chapter, and shall apply for approval directly to a recognized independent laboratory. The following laboratories are recognized under § 159.010-9 of this chapter, to perform testing and approval functions under this subpart:

Underwriters Laboratories, 12 Laboratory Drive, P.O. Box 13995, Research Triangle Park, NC 27709-3995, (919) 549-1400.

(b) Production oversight must be performed by the same laboratory that performs the approval tests unless, as determined by the Commandant, the employees of the laboratory performing production oversight receive training and support equal to that of the laboratory that performed the approval testing.

Dated: June 1, 1995.

J.C. Card,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Safety, Security and Environmental Protection.

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